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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
JEANTY, ROMAIN	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,042	GIBBS, ATHAN	
	Examiner	Art Unit	
	Romain Jeanty	3623	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 January 1936*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Final Office Action is responsive to the amendment filed January 2, 2004. By the amendment, claims 1, 4-5, 7, 11-12, 21, 24 have been amended, and claims 25-36 have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 4-5, 7, 11-12, 21, 24 and 25-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 12 recite the limitations "...an *accessor* responsive to the voter validation number for selectively verifying the vote with an election...." is not supported by the specification. The examiner is unable to find where such limitation is disclosed in the

specification. Therefore, one skilled in the art would not know how to make and/or use the invention.

Claims 2-11 and 13-36 depend on claims 1, and 12 and are rejected similarly.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 5-6, 12-13, 17-18, and 24-36 are rejected under 35 U.S. 103(a) as being unpatentable over Miyagawa U. S. Patent No. 5,377,099 in view of Hall et al (U.S. Patent No. 6,540,138) and further in view of Peralto (U.S. Patent No. 5,878,399).

As per claims 1, 12, 24-31 and 34-36, As best understood, Miyagawa discloses an electronic voting system comprising:

a central processor operative to present for display a sequential series of ballot screens (col. 4, lines 58 through col. 5 line 2, each ballot screen corresponding to one elective race and including a candidate information block having a text name and a graphic image associated with each of at least one candidate for election by voters in the elective race (i.e. a CPU for displaying election information to a voter) (col. 12, lines 61-68 and col. 4, lines 44-65), whereby the central processor detects which of the at least one candidate information blocks was selected by the voter (i.e. detecting the selection made by the voter) (col. 8, lines 5-10);

Miyagawa further discloses a touch-sensitive video display monitor communicating a

signal representative of a selected location of a touch by a voter to the central processor, which touch is made at the display of the candidate information block for whom the voter intends to vote (since the voter uses a pen on the screen to make a selection, it implies that it is a touch screen) (col. 8, lines 11-57), and a communicator to transfer the vote to a tabulator for summing the votes for the selected one of the at least one candidate (transmitting the vote count to a host computer to be totaled (col. 12, lines 1-16). Miyagawa discloses all of the limitations above but does not teach a validator responsive to the voting by the voter that endorses a voter validation receipt bearing a voter validation number with a validation indicia, whereby the authenticity of the voter validation receipt can be established at a later time if necessary to correct a validation error. However, Hall et al, in the same of endeavor, discloses a voting method and system for receiving a voter's digital signature such as a PD file and validating the voter's received information (col. 2, lines 48-67). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Miyagawa to incorporate the vote validation method of Hall. A person having ordinary skill in the art would have been motivated to use such a combination because it to allow anonymity. The combination of Miyagawa and Hall fails to disclose verifying a vote with an election result of a tabulation using an accessor. Peralto, in the same field of endeavor, discloses a computerized voting system for generating a receipt for a voter's vote and allowing a voter to access a tabulation center for verifying a vote (col. 5, lines 14-50). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the disclosures of Miyagawa and Hall to include the teachings of Peralto with the motivation to provide positive identification of voters preventing duplicate or fraudulent. voting.

As per claims 5, 13 and 17, Miyagawa discloses the limitations of claims 5, 13 and 17 in the rejection of claims 1 and 12 above. In addition, Miyagawa discloses a communications device for connecting the central processor to a vote tabulation center over a telecommunications network, whereby the summation of votes is communicated (col. 12, lines 2-16).

As per claims 6 and 18, Miyagawa discloses the limitations of claim rejection of claim 12 in the rejection of claim 1 above. In addition, Miyagawa discloses at least one speaker/headphones connected to the central processor for making an audible recitation to the voter of the names of the candidate prior to the voter voting (col. 3, lines 45-49).

As per claim 27, the combination of Miyagawa, Hall and Peralto discloses generating a receipt for a voter's vote (see claim 1 above). It would have been obvious to a person of ordinary skill in the art to apply a seal to the voter's receipt with the motivation to preserve integrity of the voter's vote.

As per claims 32 and 33, the combination of Miyagawa, Hall et al and Peralto does not disclose the wherein the validation indicia comprises a signature of a poll worker, and wherein the validation indicia comprises a seal applied by a poll worker to the voter validation receipt. Incorporating a signature and seal of a poll worker to the voter's receipt of Hall et al and Peralto would have been obvious to a person of ordinary skill in the art in order to preserve the confidentiality of the voting process for voters.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2 and 14 are rejected under 35 U.S.C 103(0a as being unpatentable over Miyagawa in view of Hall et al and Peralto as applied to claim 1 above and further in view of Rekieta et al (U.S. Patent No 6,230,164).

As per claims 2 and 14, Miyagawa, Hall and Peralto disclose the limitations of claims 2 and in the rejection of claims 1 and 12 above. In addition, Miyagawa discloses a storage device (col. 6, line 35). However, the combination of Miyagawa, Hall et al and Peralto does not explicitly disclose a pair of mirrored storage devices to record the summation of the votes by the tabulator. Rekieta et al on the other hand, discloses a pair of mirrored storage devices. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the voting system of Miyagawa, Hall and Peralto to incorporate a pair of mirrored storage device in the same conventional manner as disclosed by Rekieta et al. Doing so would allow a user to update voting information quickly and accurately.

8. Claims 3, 8-9, 15 and 20-21 are rejected under 35 U.S.C 103(a) as being unpatentable over Miyagawa, Hall et al and Peralto as applied to claims 1 and 12 above and further in view of McKay et al U.S. Patent No 3,793,505.

As per claims 3 and 15, the combination of Miyagawa, Hall et al and Peralto discloses the limitations of claims 3 and 15in the rejection of claims 1 and 12 above. However, Miyagawa does not explicitly disclose wherein the central processor further displays a proposition screen having a recitation of the proposition and graphics images representative of the proposition and the negative of the proposition. McKay et al in the same of endeavor, discloses a voting system having a proposition screen and images of the proposition (col. 5, lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosures of Miyagawa, Hall et al and Peralto to incorporate the propositions and images of the propositions the same conventional manner as disclosed by McKay with motivation to allow a voter to vote on other issues such as referendum in an election. Note column 1, lines 27-28 of McKay.

As per claims 8-9 and 20-21, the combination of Mayagawa, Hall et al and Peralto does not explicitly disclose the limitations of claims 8-9 and 20-21. McKay et al in the same field of endeavor, discloses an electronic voting system when the voter makes a choice of candidates, selected from the list of candidates appearing in the image projected onto the video screen, the corresponding button is pressed in according to such selection and when pressed, lights up and stays in the in position until the change-image button is pressed to advance the film and change the image which reads on "wherein each candidate information block includes a positive graphic to indicate the selection of the candidate in response to the voter selecting one of the candidate information blocks by touching the video screen, and wherein the selected candidate information block in one of the ballot screens remains selected until the voter selects another of the candidate information blocks in said one of the ballot screens, whereupon the positive graphic in the

selected candidate information block is changed to a negative graphic and the another of the candidate information blocks is changed to a positive graphic" (col. 6, line 59 through col. 7, line 19). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the voting system of Mayagawa, Hall et al and Peralto to incorporate the teachings of McKay et al with the motivation to allow a voter to make a voting selection.

9. Claims 4, 7, 10-11,16, 19 and 22-23 are rejected under 35 U.S.C 103(0a as being unpatentable over Miyagawa, Hall et al and Peralto as applied to claims 1 and 12 above and further in view of Davis et al (U.S Patent No. 6,550,675).

As per claims 4, 10, 11, 16 and 22-23, Miyagawa discloses all of the limitations of claim 4 in the rejection of claim 1 above. But Miyagawa does not explicitly disclose a printer operatively connected to the central processor for printing a voter validation receipt. Davis et al, in the same field of endeavor, discloses a voting system comprising a printer for printing a summary of the votes and a button to finalize a vote (See figure 3A, element; col. 8, lines 39-44; col. 18, lines 57-63). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have applied the printer of Davis in the voting system of Miyagawa for the motivation of showing all votes including write-ins cast on a voting machine.

As per claims 7 and 19, Miyagawa discloses the limitations of claim 7 in the rejection of claim 1 above. However, the combination of Miyagawa, Hall and Peralto does not explicitly disclose wherein each ballot screen in the sequential series includes at least a return button that is selectively activate to return to a prior screen. David et al, in the same field of endeavor, provides a return button so that a voter cast by a voter reverts to an un-voted state (col. 18, lines 57-63). It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to have modified the voting system of Miyagawa, Hall et al and Peralto to apply the return button of Davis et al with the motivation to allow a voter to return to a previously cast vote and revote again for the desired candidate.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, Seventh floor receptionist.

Romain Jeanty

Patent Examiner

March 13, 2004